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Attorneys for Defendants UNITED AGRI PRODUCTS, INC., and UAP DISTRIBUTION, INC.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

KEN KUNZLER

Plaintiff,

v.

UNITED AGRI PRODUCTS, INC., UAP
DISTRIBUTION, INC., and DOES 1 through
25, inclusive

Defendants.

Case No. C 07-03555 EMC

**JOINT REPORT OF EARLY MEETING
OF COUNSEL**

[Rule 26(f) Report]

Removal Filed: July 10, 2007
Trial Date: None Set

Pursuant to FedRCivP 26(f)(1) (hereinafter "Rule 26(f)"), the parties hereto, by and through their respective counsel, met on September 21, 2007, to discuss factual, legal and practical issues presented by the case, to disclose information, to confer regarding a discovery plan, and to stipulate to the filing of this Joint Report of Early Meeting of Counsel.

1. EARLY MEETING OF COUNSEL:

• In accordance with Rule 26(f), the parties' joint planning meeting was held on September 21, 2007.

• Plaintiff KEN KUNZLER, appeared by his attorney, Thomas S. Brigham.

• Defendants, UNITED AGRI PRODUCTS, INC., and UAP DISTRIBUTION, INC., appeared by their attorneys, Ross W. Johnson and Carolyn Gunkel.

2. **INITIAL DISCLOSURES AND SUPPLEMENTATION:**

The initial disclosures and mutual exchange of information required by FRCivP 26(a)(1) will be made by October 10, 2007, in accordance with the Court's order.

Supplementation of the initial disclosures shall be governed by FRCivP 26(e).

3. **DISCOVERY PLAN:**

Plaintiff and Defendants propose to the Court the following discovery plans:

a. **Stipulation Regarding Discovery**

Regarding discovery in this action, the parties agree to be governed by the scope and limits of discovery as set forth in Federal Rules of Civil Procedure, and the Federal Rules of Evidence, unless otherwise agreed to by subsequent stipulation of the parties or by order of the Court.

b. **Completion of Discovery**

Plaintiff believes the parties can complete discovery by January 25, 2008. Defendants believe the parties will need until June 16, 2008 to complete discovery.

c. **Disclosure of Experts and Expert Reports and Supplementation**

Plaintiff believes both parties should disclose experts by December 11, 2007, unless otherwise agreed to by subsequent stipulation of the parties or by order of the Court. Plaintiff believes both parties should disclose rebuttal experts by December 26, 2007, unless otherwise agreed to by subsequent stipulation of the parties or by order of the Court.

Defendants believe that Plaintiff should make initial expert disclosures by February 15, 2008, unless otherwise agreed to by subsequent stipulation of the parties or by order of the Court. Defendants believe that Defendants should make initial expert disclosures by April 15, 2008, unless otherwise agreed to by subsequent stipulation of the parties or by order of the Court. Defendants believe that Plaintiff should make any rebuttal expert disclosures by May 15, 2008, unless otherwise agreed to by subsequent stipulation of the parties or by order of the Court.

The parties agree that they shall supplement expert disclosures in accordance with the requirements of Rule 26.

d. **Exchange of List of Trial Witnesses and Trial Exhibits**

The parties agree to make the pretrial disclosures as provided for in FRCivP 26(a)(3).
Objections to the pretrial disclosures shall also be made in accordance with FRCivP 26(a)(3).

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this filed document.


Helen Lee Greenberg

Dated: October 10, 2007

THOMAS S. BRIGHAM, ESQ.
BROOKE A. BRIGHAM, ESQ.

By /s/ Thomas S. Brigham (with consent)
Thomas S. Brigham, Esq.
Brooke A. Brigham, Esq.
Attorneys for Plaintiff Ken Kunzler

Dated: October 10, 2007

LEWIS BRISBOIS BISGAARD & SMITH LLP

By /s/ Helen Lee Greenberg
Shawn A. Toliver
Helen Lee Greenberg
Attorneys for Defendants UNITED AGRICULTURAL
PRODUCTS, INC., and UAP
DISTRIBUTION, INC.

Dated: October 10, 2007

FAEGRE & BENSON LLP

By /s/ Ross W. Johnson (with consent)
Ross W. Johnson*
Carolyn A. Gunkel*
* Admitted *pro hac vice*
Attorneys for Defendants UNITED AGRICULTURAL
PRODUCTS, INC., and UAP
DISTRIBUTION, INC.

CERTIFICATE OF SERVICE BY MAIL

Kunzler v. United Agri Products, Inc.

USDC Case No. C-07-03555 EMC

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is One Sansome Street, Suite 1400, San Francisco, California, 94104.

On October 10, 2007, I served the following document described as:

JOINT REPORT OF EARLY MEETING OF COUNSEL

on all interested parties in this action by placing ☒ a true copy ☐ the original thereof enclosed in sealed envelopes addressed as follows:

Thomas S. Brigham
Brooke A. Brigham
441 N. State Street
P.O. Box 358
Ukiah, CA 95482

Tel: 707.462.9292
Fax: 707.467.2492
Email: tsbrigham@sbcglobal.net
briglaw@comcast.net

☒ (BY MAIL, 1013a, 2015.5 C.C.P.)

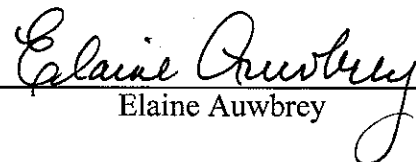
☐ I deposited such envelope in the mail at San Francisco, California. The envelope was mailed with postage thereon fully prepaid.

☒ I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, this document will be deposited with the U.S. Postal Service on this date with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

☐ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 10, 2007, at San Francisco, California.


Elaine Aurbrey